

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

**IN RE: DIGITEK  
PRODUCTS LIABILITY LITIGATION**

**MDL NO. 1968**

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**THIS DOCUMENT RELATES TO:**

**ALL CASES**

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**AMENDED NOTICE TO TAKE VIDEOTAPED ORAL DEPOSITION**

**TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Plaintiffs in the above-entitled action will take the oral videotaped deposition of **APURVA PATEL** on **Tuesday, May 25, at 9:00 a.m. at Greenberg Traurig, 3161 Michelson Drive, Suite 1000, Irvine, CA 92612**, before a Notary Public authorized to administer oaths for the State of California. Said deposition will continue from day to day until completed.

The deposition will be recorded by Golkow Technologies, Inc., One Liberty Place, Suite 5150, Philadelphia, Pennsylvania 19103. Notice is also given that this deposition may be recorded by videotape. Plaintiffs reserve the right to use the videotaped deposition at the trial in this matter and in any other evidentiary hearing or proceeding where oral testimony may be admitted into evidence.

The deponent is not a party to this action. So far as known to the deposing party knows, the deponent's current address is as follows:

17921 Piazza Bella  
Yorba Linda, CA 92886-2868

Said deponent has been or will be served with a deposition subpoena. **A COPY OF THE AMENDED SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A CIVIL CASE IS ATTACHED HERETO AND SERVED HEREWITH.** A list of all parties or attorneys for parties on whom this Notice of Deposition is being served is shown on the accompanying Certificate of Service.

Respectfully submitted,

On Behalf of the Plaintiffs' Steering Committee

s/Carl N. Frankovitch

Carl N. Frankovitch, Esq.  
Frankovitch, Anetakis, Colantonio & Simon  
337 Penco Road  
Weirton, WV 26062  
*Co-Lead Counsel*

Fred Thompson, III, Esq.  
Motley Rice, LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
*Co-Lead Counsel*

Harry F. Bell, Jr., Esq.  
Bell & Bands PLLC  
P.O. Box 1723  
Charleston, WV 25326  
*Co-Lead and Liaison Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2010, I served via e-mail a true and correct copy of the foregoing Notice of Deposition of to:

Rebecca A. Betts, Defendants' Liaison Counsel  
Allen Guthrie & Thomas, PLLC  
P.O. Box 3394  
Charleston, WV 25333-3394

Harvey L. Kaplan, Esq.  
Shook Hardy and Bacon LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108

Matthew P. Moriarty  
Tucker, Ellis & West, LLP  
1150 Huntington Building  
925 Euclid Avenue  
Cleveland, Ohio 44115-1414

Richard A. Dean, Esq.  
Tucker Ellis and West LLP  
1150 Huntington Building  
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Madeleine McDonough, Esquire  
Shook, Hardy, & Bacon LLP  
2555 Grand Boulevard  
Kansas City, Missouri 64108

Robert P. Charrow, Esq.  
Greenberg Traurig LLP  
2101 L. Street N.W.  
Washington, D.C. 20037

**PLAINTIFFS' STEERING COMMITTEE**

By: s/Carl N. Frankovitch  
*Carl N. Frankovitch, Esq.*  
*Plaintiffs' Co-Lead Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 19, 2010, I served via e-mail a true and correct copy of the foregoing Notice of Deposition of to:

Rebecca A. Betts, Defendants' Liaison Counsel  
Allen Guthrie & Thomas, PLLC  
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Washington, D.C. 20037

**PLAINTIFFS' STEERING COMMITTEE**

By: s/Fred Thompson III

*Plaintiffs' Co-Lead Counsel*

## **EXHIBIT A**

**EXHIBIT "A"**

**SUBPOENA DUCES TECUM**

Pursuant to the Rule 30(b)(2) of the Federal Rules of Civil Procedure, the witness shall bring the following documents to the deposition:

1. Curriculum vitae; and
2. All documents deponent reviewed in preparation for deposition.

UNITED STATES DISTRICT COURT  
for the

Southern District of West Virginia

In Re: Products Liability Litigation \_\_\_\_\_ )  
 Plaintiff \_\_\_\_\_ )  
 v. \_\_\_\_\_ ) Civil Action No. MDL No. 1968  
 \_\_\_\_\_ )  
 \_\_\_\_\_ ) (If the action is pending in another district, state where:  
 Defendant \_\_\_\_\_ ) Southern District of West Virginia \_\_\_\_\_ )

**SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION**

To: Apurva Patel, 17921 Piazza Bella, Yorba Linda, CA 92886-2868.

**Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Offices of Greenberg Traurig 3161 Michelson Drive, Suite 1000 Irvine, CA 92612	Date and Time: Tuesday, May 25, at 9:00 am
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The deposition will be recorded by this method: \_\_\_\_\_

**Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

See Exhibit "a"

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

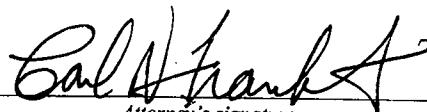
Date: 04/19/2010

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature



The name, address, e-mail, and telephone number of the attorney representing (name of party) \_\_\_\_\_ Plaintiffs \_\_\_\_\_

, who issues or requests this subpoena, are:

Carl N. Frankovitch, Esq., Frankovitch, Anetakis, Colantonio &amp; Simon, 337 Penco Road, Weirton, WV 26062. (304) 723-4400, carln@facslaw.com.

Civil Action No. MDL No. 1968

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

This subpoena for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

I served the subpoena by delivering a copy to the named individual as follows: \_\_\_\_\_

\_\_\_\_\_  
on *(date)* \_\_\_\_\_; or

I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

\$ \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: